

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DAVID L. BEAN,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of the Social Security  
Administration,

Defendant.

CASE NO. 3:16-cv-05104 JRC

ORDER ON UNOPPOSED MOTION  
FOR EQUAL ACCESS TO JUSTICE  
ACT FEES AND EXPENSES

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 8).

This matter is before the Court on plaintiff's Motion for Equal Access to Justice Act Fees and Expenses (*see* Dkt. 23). Defendant has no objections to plaintiff's motion (*see* Dkt. 24).

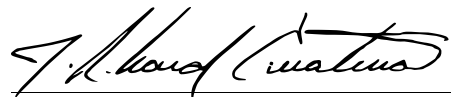
Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), plaintiff's motion (*see* Dkt. 23), the attorney declaration and time and expense itemizations (Dkt. 23, Attachments 2, 3, 4, 5, 6), and the relevant record, it is hereby ORDERED that attorney's fees in the total amount of \$5,845.15 (which is for work performed by Jeffrey Baird in the amount of \$4, 754.16

1 plus work performed by Elie Halpern in the amount of \$134.19 and work performed by Timothy  
2 Kidd in the amount of \$956.80) and expenses in the amount of \$2.45 (for postage, long distance  
3 calls, and fax charges) be awarded pursuant to the Equal Access to Justice Act, 28 U.S.C. §  
4 2412(d), and consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at  
5 \*\*\*6-\*\*\*7 (2010).

6 It is further ORDERED that costs in the amount of \$26.60 (for photocopies and filing  
7 fee) are awarded to plaintiff pursuant to 28 U.S.C. § 1920.

8 The Acting Commissioner agrees to contact the Department of Treasury after the Order  
9 for EAJA fees, expenses and costs is entered to determine if the EAJA fees, expenses and costs  
10 are subject to any offset. If it is determined that plaintiff's EAJA fees, expenses and costs are not  
11 subject to any offset allowed pursuant to the Department of the Treasury's Offset Program, then  
12 the check for EAJA fees, expenses and costs shall be made payable to plaintiff's attorney, Elie  
13 Halpern, Esq., and delivered via check to Elie Halpern's office at Elie Halpern & Associates,  
14 PLLC, 1800 Cooper Pt. Road SW, Bldg. 19, Olympia, WA 98502, based on plaintiff's  
15 assignment of these amounts to plaintiff's attorney (*see* Federal Court Retainer Agreement, Dkt.  
16 23, Attachment 7). If there is an offset, the remainder shall be made payable to plaintiff, based  
17 on the practice of the Department of the Treasury (*see, e.g.,* Case No. 2:15-cv-122, Dkt. 22, p. 4).  
18 Any check for EAJA fees shall be mailed to plaintiff's counsel, Elie Halpern's office at Elie  
19 Halpern & Associates, PLLC, 1800 Cooper Pt. Road SW, Bldg. 19, Olympia, WA 98502.

20 Dated this 4th day of January, 2017.

21  
22   
23 J. Richard Creatura  
24 United States Magistrate Judge